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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,260	08/07/2001	Aki Koyabu	210146US2PCT	9257
22850 7590 07/24/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SHIBRU, HELEN	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 07/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/890,260

Applicant(s)

KOYABU ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 11-16, 18-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-16, 18-23, and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendments filed on 05/02/2007 have been entered and made of record. Claims 1-3, 5-9, 11-16, 18-23 and 25-26 are pending and claims 4, 10, 17 and 24 are cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 5-9, 11-16, 18-23 and 25-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant attention is directed to pages 22-26 of the specification where it discloses other information including header and programs is displayed. Therefore header information is not the only information that is provided to a display device according to the specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5-9, 11-16, 18-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US Pat. No. 5,977,964) in view of Craig (US Pat. No. 5,790,176).

Regarding claim 1, Williams discloses an information retrieving apparatus for retrieving multimedia contents from a plurality of multimedia contents provided by predetermined information providing means (see figures 1, 6, and 7, col. 3 lines 6-38 and col. 4 lines 29-44 where user profile information are stored in the system), comprising;

storing means for storing a usage history of a recording medium used for recording said multimedia content (see col. 3 lines 6-14, col. 5 line 51-col. 6 line 49 where Williams discloses user profile data base stores user preference information. See also figures 1 and 6-8); and

retrieving means for retrieving multimedia contents from said plurality of multimedia contents on the basis of said usage history (see figure 2 step 206 and 206 and 208, figure 3 where the comparing taken place, figure 4, which discloses additional programs are suggested based on user profile, and figure 5, and col. 5 lines 20-51 and col. 8 lines 14-56), the history data including weighted values to differentiate between frequencies of reproduction of multimedia content of the recording medium (see col. 6 lines 63-col. 7 lines 19 where Williams discloses most frequently watched/listened to source(s), most frequently watched/listened to

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channel(s) station(s) per source, typical watching/listening periods... are stored in the user profile database 800), wherein header information indicating information of said retrieved multimedia content is provided to a display (see col. 7 lines 31-58).

Claim 1 differs from Williams in that the claim further requires usage history includes a reproduction history of multimedia content, which is obtained by reproducing said multimedia content recorded in said recording medium.

In the same field of endeavor Craig discloses librarian that provides file functions including distribution of video and audio to the multimedia application processor. The librarian records access history for determining statistical usage and trends (see col. 5 line 54-col. 6 line 2). Craig further discloses the librarian records a history of access to video programming, i.e. "feature" (see col. 8 line 60-col. 9 line 2 and col. 10 lines 21-28) Craig teaches as a feature is requested less frequently, it is "aged" by the media server, and after a predetermined time period, the media server removes the 'aged' program from online storage unit (see col. 9 lines 30-41). Craig further discloses output control sends header data to a subscriber requesting a particular program (see claims 8 and 9). Craig further discloses header data are received from the multi-media/video database (see claims 21 and 22). Therefore in light of the teaching in Craig it would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain usage history by reproducing multimedia content in order to designate frequently used features.

Regarding claim 2, Williams discloses selection means for selecting the multimedia content for display on the basis of said usage history so as to match a user's preference (see col. 5 line 52-col. 6 line 24 and col. 7 line 31-58).

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Regarding claim 3, Williams discloses the said usage history further comprises:

a record history of multimedia content which has been recorded on said recording medium (see col. 3 lines 6-14, col. 6 line 17-40 and line 50-67 and figs. 1, 6, and 7).

Regarding claim 5, Williams discloses the said usage history information includes record/reproduction history information of multimedia content which is obtained by recording or reproducing said multimedia content provided by said information providing means, in/from said recording medium (see fig. 5 and col. 6 lines 50-67).

Regarding claim 6, Williams discloses information of broadcasting programs (see col. fig. 1 and col. 4 lines 29-44).

Regarding claim 7, Williams discloses an information receiving apparatus for receiving multimedia content by retrieving said information from a plurality of multimedia content which is transmitted from predetermined information transmitter (see col. figs. 1, 6 and 7, and col. 4 lines 29-44), comprising:

a storing unit configured to store a usage history of a recording medium used for recording said multimedia contents (see rejection of claim 1 above); and

retrieving means for retrieving multimedia content from said plurality of multimedia content on the basis of said usage history so as to match a user's preference (see rejection of claim 1 and figures 2-5); and

a retrieved unit configured to retrieve multimedia content from said plurality of multimedia content on the basis of said usage history, the usage history data including weighted values to differentiate between frequencies of reproduction of multimedia content of the

recording medium (see claim 1 rejection above), a display configured to display only header information indicating information of said multimedia content (see col. 7 lines 31-58).

Claim 7 differs from Williams in that the claim further requires usage history includes a reproduction history of multimedia content, which is obtained by reproducing said multimedia content recorded in said recording medium.

In the same field of endeavor Craig discloses librarian that provides file functions including distribution of video and audio to the multimedia application processor. The librarian records access history for determining statistical usage and trends (see col. 5 line 54-col. 6 line 2). Craig further discloses the librarian records a history of access to video programming, i.e. "feature" (see col. 8 line 60-col. 9 line 2 and col. 10 lines 21-28) Craig teaches as a feature is requested less frequently, it is "aged" by the media server, and after a predetermined time period, the media server removes the 'aged' program from online storage unit (see col. 9 lines 30-41). Craig further discloses output control sends header data to a subscriber requesting a particular program (see claims 8 and 9). Craig further discloses header data are received from the multi-media/video database (see claims 21 and 22). Therefore in light of the teaching in Craig it would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain usage history by reproducing multimedia content in order to designate frequently used features.

Claims 8-9 are rejected for the same reason as discussed in claims 2-3 respectively.

Regarding claim 11, Williams discloses said usage history includes viewing history information of the multimedia content, which is obtained by viewing said multimedia content recorded in said recording medium (see fig. 9 and col. 7 lines 31-58).

Regarding claim 12, Williams discloses said usage history information includes record/reproduction/viewing history information of the multimedia content, which is obtained by recording, reproducing and viewing said multimedia content transmitted by said information transmitting means, in/from said recording medium (see figs. 5 and 9, col. 6 lines 50-67 and col. 7 lines 31-58).

Claim 13 is rejected for the same reason as discussed in claim 6 above.

Claims 14-16 and 18-20 are method claims corresponding to apparatus claims 1-3 and 5-6 respectively. Therefore claims 14-16 and 18-20 are rejected for the same reason as discussed in claims 1-3 and 5-6.

Claims 21-23 and 25-27 are method claims corresponding to apparatus claims 7-9 and 11-13. Therefore claims 21-23 and 25-27 are rejected for the same reason as discussed in claims 7-9 and 11-13.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sezan et al. (US PG Pub 2005/0131727).

Marsh et al. (US Pat. No. 6,931,657).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

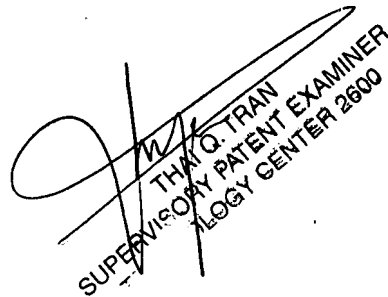
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HelenShibru
July 18, 2007


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